

REMARKS/ARGUMENTS

Claim Objections

The Examiner has objected to the wording of Claim 1,(b) because the wording was alleged to be unclear. This claim has been amended to include the Markush Group wording as suggested by the Examiner, such that the recited fluid passage means may be defined by the cooperation of the back-up member with any one of the three Markush Group members.

Drawings

The Examiner has objected to Figure 1 stating that only that which is old is illustrated. However, the shaft seal arrangement shown in Figure 1 as filed is the claimed invention and is not Prior Art.

102(b) Rejection

The Examiner has rejected Claims 1 and 7-8 under 35 U.S.C. 102(b) as being anticipated by Niemiec, U.S. Pat. No. 5,199,718 ("Niemiec Patent"). The present application states in paragraph 8 that the applicants' invention provides for an improved motor capable of operating at higher case pressures without "necessitating more frequent replacement of the shaft seal assembly." In order to accomplish this object, the present application discloses and claims a high pressure shaft seal 77, a low pressure shaft seal 73, an annular chamber and a drain passage 89 connecting the annular chamber with a case drain port 47. As stated in the present specification, higher case pressures prevent the collapsing of the spool valve. In order to maintain this high case pressure, the specification of the application states in paragraph 22 "...within the stepped bore 71 is a high pressure shaft seal assembly, generally designated 73, which comprises an important aspect of the present invention." However, neither the claims nor specification in the Niemiec Patent disclose or suggest the use of a high pressure shaft seal. Applicant believes that the basis for this rejection has been overcome and should be withdrawn.

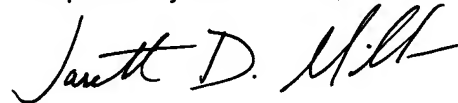
103(a) Rejection

The Examiner has rejected Claims 1 and 4-5 under 35 U.S.C. 103(a) as being unpatentable over Zumbusch, U.S. Patent No. 4,491,332 ("Zumbusch Patent"), in view of Niemiec, U.S. Pat. No. 5,199,718 ("Niemiec Patent"). The Zumbusch Patent discloses a shaft seal assembly 55 which is used to prohibit the egress of fluid from the motor case to the environment. The Zumbusch Patent also discloses an exclusion seal 53 "the function of which is prevent the ingress of dust, water etc. into the motor." The Zumbusch Patent

does not make any suggestion that the exclusion seal 53 could be reoriented and capable of withstanding pressurized fluid greater than atmospheric pressure so that this exclusion seal could prevent the egress of fluid from the motor to the environment. The Zumbusch Patent in view of the Niemiec Patent does not suggest that one seal should be a high pressure seal or that the other seal should be a low pressure seal or even which seal should be in which order. Nor is there any basis in either reference cited by the Examiner to suggest that this combination would result in increased seal life. The Niemiec Patent, in Col. 1, lines 27-28, states that the invention disclosed therein provides "an external indication of a need for seal repair." Therefore, the Niemiec Patent only provides an indication of when seal repair is needed; it does not provide any disclosure or suggestion as to how to decrease the frequency of seal repair. Applicant believes that the basis for this rejection has been overcome and should be withdrawn.

In summary, Applicant has amended claim 1 to overcome the unclear wording objection. Applicant believes that the case is now in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jarett D. Millar". The signature is fluid and cursive, with the first name "Jarett" being more prominent.

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